

Natural Resources and Army Cleanups:

Natural Resource Injuries and Damages



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What is CERCLA?

CERCLA: *The Comprehensive Environmental Response, Compensation and Liability Act, often called Superfund.*

CERCLA -- *and the regulations in the National Contingency Plan -- tell us how to do our cleanup.*

CERCLA: 42 U.S.C. sec. 9601.

NCP: 40 C.F.R. Part 300.



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What Are Natural Resource Injuries (NRIs)?

✦ *Adverse Ecological Effects:*

- ✦ *A measurable, adverse change in the chemical or physical quality or viability of a natural resource caused by the release or threatened release of a substance.*



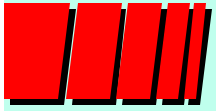
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What are Natural Resource Damages (NRDs)?

NRDs: Financial compensation for the “loss” of provided OR Money damages a legal claim.



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The Difference is...

NRDs are about lawsuits.

NRIs are the actual injury to the environment.

NRD issues come into play after cleanup.

NRIs are addressed during remediation.



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Natural Resource Damage Assessments

A legal claim for damages starts with an NRD assessment. NRD assessments are typically begun after many important cleanup decisions are made -- so such assessments are far less useful to the Lead Agent than the environmental studies done during remediation.

This is why we focus on NRIs, Trustee coordination & cleanup documents, such as the ecological risk assessment.



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What Does the Army Do Under CERCLA?

The Army, as well as other DoD military services, serves as the **Lead Agent** in cleanup.

We perform cleanups of CERCLA hazardous substances, pollutants and contaminants, on Army land.



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The Cleanup Process:

***CERCLA cleanup
remedies are intended
to protect both human
health & the environment.***

***So, we want to know
about natural resource
issues before a cleanup
remedy is selected.***



This means looking at possible Natural Resource Injuries.



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During Cleanup, the Lead Agent Focuses on NRIs

During cleanup, the Lead Agent focuses on how to make the best cleanup decision that can address adverse environmental impacts.

The first step is getting the best information we can on NRIs.



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Getting Information on Natural Resources:

The Army Lead Agent gets information on natural resources, in part, by notifying and coordinating with Natural Resource Trustees.

42 U.S.C. sec. 9604(b)(2)



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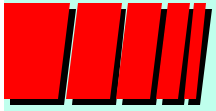
Who is a Natural Resource Trustee?

Federal Land Management Agencies:

**Department of the Interior
Department of Commerce
Department of Agriculture
Department of Energy
Department of Defense**



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The Army is also a Natural Resource Trustee

The Department of Defense is a land management agency, so the Army and the other military services are Trustees of the natural resources under their command.

Our conservation staff assist us in dealing with land management issues.



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State and Tribal Trustees:

- ✦ **STATE TRUSTEE:** An appointed State representative may serve as Natural Resource Trustee for State resources.
- ✦ **TRIBAL TRUSTEE:** Federally Recognized Tribes may serve as Trustees for natural resources that belong to, are managed by, or controlled by the tribe or are held in trust for the tribe.





Lead Agents and Natural Resource Trustees

Natural Resource Trustees often have very useful information on the environmental issues involved in cleanup. They may help identify specific animals, plants, habitat or environmental media (ie: water, soil, etc) that could have been adversely affected by contamination or that may need special protection during cleanup.



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Talking to Our Experts:

The Army has its own Conservation Staff who can provide additional information on natural resources.

We involve our conservation in the cleanup process.

ensure that our focus on the greatest

cleanup ecological concern.



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Better Documents & Decisions

✦ *The concerns of Natural Resource Trustees and Army Conservation staff are incorporated into the cleanup decisionmaking process.*

✦ The **Ecological Risk Assessment** is a primary
outlining the Army's
resource issues identified by
Army conservation experts.



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Better Decisions, Better Cleanups

***By sharing information on the environment,
we focus our energies on getting the best
cleanup job done, while protecting the
environment.***



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Questions?



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